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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/996,249 12/22/97 SAMS

R 197-0216

EXAMINER

PM82/0726

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ART UNIT

PAPER NUMBER

3629
DATE MAILED:

07/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/996,249

Applicant(s)
Sams et al

Examiner
Greg Binda

Art Unit
3629



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 4, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Aug 30, 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Prosecution Application

2. The request filed on May 4, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/996,249 is acceptable and a CPA has been established. An action on the CPA follows.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a) because:
 - a. The drawings do not show a tripod assembly comprising both a bearing assembly with an inner race (claim 13, line 5) AND a snap ring (line 14).
 - b. The drawings fail to show the claimed invention fully assembled.

Specification

4. The disclosure is objected to because "trunnion" is misspelled throughout the specification and the abstract. See *Merriam- Webster*, p. 1269.
5. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for the following claimed

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subject matter: a pre-assembled bearing assembly comprising an inner race as recited in claim 13, lines 4 & 5. Bearing assembly 40, the only bearing assembly comprising an inner race, is not described as pre-assembled. Bearing assembly 60, the only bearing assembly described as pre-assembled, is not described as comprising an inner race.

Claim Objections

6. Claim 13 is objected to because "trunnion" is misspelled throughout the claim.

Claim Rejections - 35 U.S.C. § 112

7. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Line 11 recites the limitation "the base". There is insufficient antecedent basis for this limitation in the claim.

b. It is not clear if the spider assembly includes or excludes a trunnion. In line 2 the trunnion is recited as a part of the spider assembly (which matches the description in the specification on page 3, lines 28 & 29), but in lines 11-13 of the claim, the trunnion is twice recited as something separate from the spider assembly (see "said [trunnion] adjacent said spider assembly and "said [trunnion], opposite said spider assembly").

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Allowable Subject Matter

8. Claim 13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action. Allowable material is indicated because the prior art of record does not show or suggest a tripod bearing assembly having all the limitations of the claim. Itoh et al, US 5,707,293, shows many of the limitations, but teaches away from a press-fit in col. 3, lines 5, 6 & 62-65. Hosdez et al, US 5,803,813, shows many of the limitations, but does not show or suggest a snap ring or snap ring groove.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached Tuesday through Friday from 9:30 am to 7:00 pm. The examiner can also be reached on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 306-4195, 305-3597 and 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Greg Binda
Patent Examiner